



State of Utah

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MEMORANDUM

TO: Air Quality Board

THROUGH: Richard W. Sprott, Executive Secretary

FROM: Robert Clark, Environmental Scientist

DATE: September 6, 2006

SUBJECT: Propose for Public Comment: Amend R307-320, *Davis, Salt Lake and Utah Counties, and Ogden City: Employer-Based Trip Reduction Program*; R307-325, *Davis and Salt Lake Counties and Ozone Nonattainment or Maintenance Areas: Ozone Provisions*; R307-326, *Davis and Salt Lake Counties and Ozone Nonattainment Areas: Control of Hydrocarbon Emissions*; R307-327, *Davis and Salt Lake Counties and Ozone Nonattainment Areas: Petroleum Liquid Storage*; R307-328, *Davis, Salt Lake, Utah and Weber Counties and Ozone Nonattainment Areas: Gasoline Transfer and Storage*; R307-335, *Davis and Salt Lake Counties and Ozone Nonattainment Areas: Degreasing and Solvent Cleaning Operations*; R307-340, *Davis and Salt Lake Counties and Ozone Nonattainment Areas: Surface Coating Operations*; R307-341, *Davis and Salt Lake Counties and Ozone Nonattainment Areas: Cutback Asphalt*; R307-342, *Davis, Salt Lake, Utah and Weber Counties and Ozone Nonattainment Areas: Qualification of Contractors and Test Procedures for Vapor Recovery Systems for Gasoline Delivery Tanks*; R307-343, *Davis and Salt Lake Counties and Ozone Nonattainment Areas: Emissions Standards for Wood Furniture Manufacturing Operations*; and R307-101-2, *Definitions*

As part of the development of the 8-hour ozone maintenance plan, the ozone Reasonably Available Control Technology (RACT) rules and the Employer-Based Trip Reduction rule have been revised to be compatible with the 8-hour ozone maintenance plan. The following general changes were made to all of the rules.

1. All references to the old 1-hour ozone maintenance plan and 1-hour ozone State Implementation Plan (SIP) were removed along with old compliance dates and references that no longer apply. References to Salt Lake and Davis Counties are replaced by the term "ozone maintenance area."

2. Minor grammatical changes are made to improve the readability of the rules.

Other changes to specific rules are described below.

R307-101-2. *Definitions*

Several definitions were deleted because they are no longer used in any rules. In addition, the definition for “Maintenance Area” was revised to include the date when Provo City was redesignated to attainment for carbon monoxide. A correction was also made to clarify that the eastern portion of Tooele County will not be considered a maintenance area for sulfur dioxide (SO₂) until the SO₂ maintenance plan has been approved by EPA.

R307-320. *Davis, Salt Lake and Utah Counties, and Ogden City: Employer-Based Trip Reduction Program*

Language that would trigger R307-320 as a contingency measure for the PM₁₀ SIP is removed because the Trip Reduction Program is no longer listed as a contingency measure in the PM₁₀ Maintenance Plan.

R307-325. *Davis and Salt Lake Counties and Ozone Nonattainment Areas: Ozone Provisions.*

1. **General Compliance Provisions.** The ozone RACT requirements were originally grouped together as one subsection of the Utah Air Conservation Rules. In 1998, the Board adopted a major restructuring of the rules and separated the RACT requirements into individual rules. The general provisions at the beginning of the old RACT subsection became a new rule, R307-325, that established applicability, testing, and compliance provisions for all of the new RACT rules. This was an awkward solution, and DAQ is recommending that the applicability, testing, and compliance provisions that are currently in R307-325 be included in each of the ozone RACT rules. The applicability and testing provisions are deleted from R307-325-1 because these provisions are not needed for the general requirements.

2. **Generic RACT provisions.** The 1990 Clean Air Act required EPA to develop 11 new Control Technique Guideline documents for sources of volatile organic compounds (VOC) and Alternative Control Techniques for NO_x by November, 1993. EPA did not meet this deadline; however, the State of Utah was still required to adopt RACT regulations for these source categories. The 1-hour ozone maintenance plan addressed this issue by adopting generic RACT provisions for both VOC and NO_x in R307-325-2. EPA did not accept this approach, and later versions of the maintenance plan established case-by-case VOC RACT for all major sources of VOC. In addition, EPA granted a NO_x waiver that addressed the requirement for NO_x RACT.

When EPA approved the 1-hour maintenance plan in 1997, the Federal Register notice stated that the generic RACT rules were not required, did not meet federal guidelines, and the case-by case determinations were all that was needed. DAQ recommends deleting all

of R307-325-2 because the generic RACT provisions are not required, and no longer serve a useful purpose.

3. Low-NO_x Burner Contingency Measure. When the 1-hour ozone maintenance plan was originally adopted, a series of contingency measures were added to Utah's rules that could be implemented immediately if the area violated the ozone standard. Several of the contingency measures that would reduce VOC emissions were implemented proactively in 1999 because the area was not meeting the new 8-hour ozone standard.

The implementation policy for 8-hour maintenance plans does not require contingency measures that have been pre-adopted. Instead, the plan must include a list of potential measures and a schedule for adopting rules expeditiously if the ozone standard is violated. DAQ recommends deleting R307-325-4 that requires the installation of low-NO_x burners as a contingency measure for the ozone maintenance plan. Current ozone modeling indicates that VOC reductions are more effective than NO_x reductions, and therefore this control strategy may not be the best approach to address a future violation of the 8-hour ozone standard. The strategy has been included in the list of possible contingency measures in the ozone plan and would be evaluated as one of many possible choices if the standard is violated in the future.

R307-326, Davis and Salt Lake Counties and Ozone Nonattainment Areas: Control of Hydrocarbon Emissions and R307-327, Davis and Salt Lake Counties and Ozone Nonattainment Areas: Petroleum Liquid Storage and R307-335, Davis and Salt Lake Counties and Ozone Nonattainment Areas: Degreasing and Solvent Cleaning Operations and R307-340, Davis and Salt Lake Counties and Ozone Nonattainment Areas: Surface Coating Operations

The applicability, testing, and compliance provisions that were located in R307-325-1 were moved into each of these rules.

R307-328, Davis, Salt Lake, Utah and Weber Counties and Ozone Nonattainment Areas: Gasoline Transfer and Storage and R307-342, Davis, Salt Lake, Utah and Weber Counties and Ozone Nonattainment Areas: Qualification of Contractors and Test Procedures for Vapor Recovery Systems for Gasoline Delivery Tanks

1. These two rules work together to establish the Stage I Vapor Recovery requirements. In general, the provisions in R307-328 apply to the refinery or bulk storage plant where gasoline is loaded into a truck for delivery, the transport vehicle, and the gas station where the gasoline is unloaded into the underground storage tank. R307-342 establishes the requirements for the vapor tightness testing contractor. However, there are some provisions that do not follow this general split. Both rules have been revised to make this division clearer, so that each entity will find all of the applicable requirements in one rule, rather than split between two rules.

2. The applicability, testing, and compliance provisions that were located in R307-325-1 were moved into each of these rules.

R307-341, *Davis and Salt Lake Counties and Ozone Nonattainment Areas: Cutback Asphalt* and R307-101-2, *Definitions*

The definition for the term “asphalt” has been moved from R307-101-2 to R307-341. This definition comes from the CTG titled, *Control of Volatile Organic Compounds from Use of Cutback Asphalt*, EPA-450/2-077-037, December 1977, and was added to the general definitions when this RACT rule was adopted in the early 1980’s. The term “asphalt” is used in several other rules; however, in those rules the common usage of the term asphalt is more appropriate than the specific language in this definition.

R307-343, *Davis and Salt Lake Counties and Ozone Nonattainment Areas: Emissions Standards for Wood Furniture Manufacturing Operations*

Obsolete language was deleted throughout the R307-343 including old compliance dates. R307-343 is not federally enforceable and DAQ does not plan to submit this rule to EPA as part of the State Implementation Plan for Utah.

Recommendation: Staff recommends that R307-320, 325, 326, 327, 328, 335, 340, 341, 342, 343, and 101-2 be proposed for public comment, as amended.